

## Chapter 14.10

### VARIANCES

#### Sections:

- 14.10.010 Purpose.**
- 14.10.020 Types of variances.**
- 14.10.030 Application procedures.**
- 14.10.040 Findings of variance.**
- 14.10.050 General conditions.**

#### **14.10.010 Purpose.**

Variances from the terms of this Title may be authorized in specific cases that will not be contrary to the public interest, and where, due to special conditions, literal enforcement of the provisions of this Code would result in unnecessary hardship. Under no circumstances shall a variance be granted that allows a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in the district. (Ord. 17938 Attch. F (part), 2000)

#### **14.10.020 Types of variances.**

Variances shall generally be 1 of 3 types:

- (1) Administrative Variances. The following variances shall be processed as a Level I administrative decision pursuant to the provisions of Chapter 14.06 SCC by the respective department indicated:
  - (a) Alternatives to the Public Works Standards of Chapter 14.36 SCC shall be decided administratively by the Public Works Department, pursuant to Section 2.10 of the Skagit County Road Standards Manual.
  - (b) Variances to the agricultural siting criteria of SCC 14.16.400 and 14.16.860 shall be decided administratively by Planning and Development Services.
  - (c) Variances allowed in SCC 14.16.800(1)(d) related to parking requirements, SCC 14.16.810(4) related to setback reductions and SCC 14.16.830(5)(i) related to landscaping requirements shall be decided administratively by Planning and Development Services.
  - (d) Variances to SCC 14.16.340(5), minimum density for short plats, may be allowed in cases where previously developed property or property with critical areas constraints precludes development at the required densities. Such variances shall be decided administratively by Planning and Development Services.
  - (e) Technical deviations from the provisions of Chapter 14.32 SCC shall be decided administratively by Planning and Development Services as outlined in SCC 14.32.030(5).

Appeals of administrative variances shall be to the Hearing Examiner as provided in Chapter 14.06 SCC, except for alternatives to public works standards of Chapter 14.36 SCC.
- (2) Board of County Commissioner Variances. Variances to any other requirements of the Ag-NRL zone found in SCC 14.16.400 or to agricultural resource land preservation, SCC 14.16.860, shall be processed as a Level III-HE recommendation by the Hearing Examiner with a final decision by the Board of County Commissioners, as described in Chapter 14.06 SCC.
- (3) Hearing Examiner Variances. All other requests for variances to any of the provisions of this Title shall be processed as a Level II Hearing Examiner Decision pursuant to the requirements of Chapter 14.06 SCC (Permit Procedures). Appeal of the Hearing Examiner Decision may be made to the Board of County Commissioners as described in Chapter 14.06 SCC; provided, that shoreline variances shall follow the procedures of the Skagit County Shoreline Management Master Program, as may be amended. (Ord. O20080009 (part); Ord. O20070009 (part); Ord. 18375 § 6, 2001; Ord. 17938 Attch. F (part), 2000)

#### **14.10.030 Application procedures.**

- (1) A variance from the requirements of this Title shall be submitted on forms provided by Planning and Development Services, or, in the case of a request for an alternative from the Public Works Standards, on forms provided by the Public Works Department.
- (2) A narrative statement shall be included with the application forms demonstrating that the requested variance conforms to the following standards:
  - (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Topics to be addressed include topographic or critical area constraints that make use of the particular site infeasible without the proposed variance.
  - (b) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of SCC Titles 14 and 15.
  - (c) The special conditions and circumstances do not result from the actions of the applicant.
  - (d) The granting of the variance requested will not confer on the applicant any special privilege that is denied by SCC Titles 14 and 15 to other lands, structures, or buildings in the same district.
  - (e) An explanation of how the requested variance meets any other specific criteria required for the type of variance requested, where applicable, including, but not limited, to the following:
    - (i) Explanation of compliance with the criteria for a Critical Areas Ordinance variance under SCC 14.24.140.
    - (ii) Explanation of compliance with the criteria for a shoreline variance under the Skagit County Shoreline Management Master Program.
    - (iii) Explanation of compliance with the criteria for a public works alternative under the Skagit County Public Works Standards adopted pursuant to Chapter 14.36 SCC.
    - (iv) Explanation of compliance with the criteria for variance from the agricultural siting criteria found in SCC 14.16.400(6).
    - (v) Explanation of compliance with the criteria for a Flood Hazard Ordinance variance found in SCC 14.34.130.
  - (f) If applicable, an explanation from the applicant as to why, if a variance is denied, the applicant would be denied all reasonable use of his or her property. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.10.040 Findings of variance.**

- (1) The Approving Authority shall make findings whether:
  - (a) The reasons set forth in the application justify the granting of the variance, including findings relating to compliance with any relevant variance criteria found in other sections of Skagit County Code.
  - (b) The variance is the minimum variance that will make possible the reasonable use of land, building or structure.
  - (c) The granting of the variance will be in harmony with the general purpose and intent of this Title and other applicable provisions of the Skagit County Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare. (Ord. 17938 Attch. F (part), 2000)

#### **14.10.050 General conditions.**

- (1) In granting any variance, the Approving Authority may prescribe such conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted.
- (2) All variance decisions of the County shall be recorded with the Auditor. If they contain conditions to be imposed on the property even after it has been sold, the recorded notice shall include the following information:
  - (a) Owner's name.

- (b) Parcel number.
- (c) Property address.
- (d) Complete legal description.
- (e) Conditions to be imposed on the property. (Ord. 17938 Attch. F (part), 2000)